

BILL ANALYSIS

Senate Research Center
84R7408 CBH-F

S.B. 1888
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to better understand where state resources are needed most to prevent the incarceration of persons under an emergency detention as a result of a mental health crisis. While this practice is unconstitutional and is very dangerous to persons under emergency detention, some communities do not have the resources to stabilize these patients. The number of persons affected by this practice statewide is unknown because jails are not required to report this information.

S.B. 1888 requires county jails to gather data regarding the number of persons detained under emergency detention and order of protective custody.

As proposed, S.B. 1888 amends current law relating to a requirement that a county report the number of certain persons with mental illness detained in that county's jail.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 511.0101(a), Government Code, as follows:

(a) Requires each county to submit to the Commission on Jail Standards (commission) on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

(A)-(K) Makes no change to these paragraphs;

(L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, rather than under Subchapter F, Chapter 499, Government Code;

(M) and (N) Makes no change to these paragraphs;

(2) and (3) Makes no change to these subdivisions;

(3-a) the total number of prisoners who were confined in the county jail during the preceding month who were not charged with a criminal offense and were apprehended by a peace officer:

(A) for emergency detention without a warrant under Section 573.001 (Apprehension by Peace Officer Without Warrant), Health and Safety Code;

(B) for emergency detention with a warrant issued under Section 573.012 (Issuance of Warrant), Health and Safety Code; or

(C) for protective custody with an order issued under Section 574.022 (Issuance of Order), Health and Safety Code;

(4) and (5) Makes no change to these subdivisions.

SECTION 2. Effective date: September 1, 2015.